IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

1. **CR No.2723 of 2007**

Malkiat Singh Sandhu **...Petitioner**

VERSUS

Dr.Ajit Singh Sandhu and another **...Respondents**

2. **CR No.2722 of 2007**

Malkiat Singh **...Appellant**

VERSUS

Dr.Karamjit Sandhu and another

...Respondents

CORAM

HON'BLE MR.JUSTICE PERMOD KOHLI

PRESENT: Mr.Jaspal Singh, Advocate for the appellant(s)
in both the appeals

Mr.Amit Rawal, Advocate
for Caveators/respondents
in both the appeals

Permod Kohli (Oral)

This order will dispose of both the revision petitions (CR Nos.2722 & 2723 of 2007) as common facts and law are involved in the same.

Both the revision petitions have been directed against orders dated 14.2.2007 passed in MCA Nos.60 and 61 of 2006 passed by the Additional District Judge, Ludhiana, granting interim injunction to the parties to the suits in respect of portions of premises comprising of 26/G and 27/G situated at B.R.S. Nagar, Ludhiana.

The admitted facts are that the present petitioner rented out portions of premises 26/G and 27/G. He filed two suits seeking permanent injunction restraining the respondents herein from interfering in his possession over the property described in the plaints. During the pendency of the suits, applications under Order 39 Rules 1 & 2 of CPC were also preferred seeking restraint order. Respondents/defendants, on their appearance also made two applications seeking a restraint order against the plaintiff/petitioner herein. The trial court vide its order dated 27.5.2006 restrained the defendants/respondents therein from interfering in the suit property as shown in the site plan produced by the defendants/respondents/counter claimants and

simultaneously the plaintiff was restrained from interfering in the suit property as shown yellow in the site plan produced by the respondents/defendants till the decision of the suit. Being unsatisfied, the defendants preferred two Misc. Civil Appeals before the Additional District Judge, Ludhiana who passed two separate orders on 14.2.2007. In the orders dated 14.2.2007, the Appellate Court, on consideration of the respective contentions of the parties and material on record modified the order passed by the trial court and defendants were restrained from interfering in the portion shown as red in the site plan filed by the defendants and the plaintiff was restrained from interfering in the portion shown as yellow in the site plan filed by the defendants. The Appellate Court also held that the portion shown as green in the site plan is common between the parties and to be used by them without any interference from each other. The plaintiff/petitioner has preferred both these revision petitions against the aforesaid orders passed in respect of two premises i.e. 26/G and 27/G. His grievance is that the order passed by the trial court should have been maintained.

I have heard the learned counsel for the parties and perused the orders passed by both the courts below. The Appellate Court has rightly restrained the parties from interfering in their respective possession and also allowed the parties to use the common portion of the property. I do not find any legal infirmity

in the impugned orders dated 14.2.2007 passed by the Additional District Judge, Ludhiana.

In view of the above, I do not find any merit in both the revision petitions i.e. CR Nos.2722 & 2723 of 2007 which are accordingly dismissed.

At the time of hearing, it was pointed out that Civil Revision No.2722/2007 was preferred against an order passed in MCA No.62 of 25.7.2006 relating to the premises 27/G, but inadvertently, the petitioner has placed copy of the other order in both the revision petitions. Learned counsel appearing for the respondents/caveators has accordingly furnished a Xerox copy of the order passed in respect of premises No.27/G which is taken on record.

(PERMOD KOHLI)
JUDGE

22.5.2007
MFK

NOTE:Whether to be referred to the Reporter or not:YES/NO